

EXHIBIT G

From: Eidelman, Gary B.
Sent: Wednesday, August 01, 2018 9:56 PM
To: 'Shawn Shearer'
Cc: Kennedy, Lindsey C.; Cooper, Gillian A.; Eidelman, Gary B.; 'David Zeitlin'
Subject: August 9 depositions

Shawn:

Sorry for the delayed response. I am writing in response to your request to schedule 30(b)(6) witness(es) on August 9, 2018 in NYC. It is my understanding from your emails that the MetLife deposition scheduled for that day is now off.

With respect to Plaintiff's 30(b)(6) notice, we agree that Topic 1-Accounting and Financial Disclosure was covered by Matt Cagwin at his deposition so we are dealing with Topic 2 - Information Technology, Topic 3 – Human Resources and Employee Benefits and Topic 4 – Corporate Governance and Corporate Records.

It is our legal position that because of the disparate topics covered by Plaintiff's 30(b)(6) notice, no one witness could possibly be prepared by the corporation to testify as to all of these categories. Case law dictates that Rule 30(b)(6) cannot be used to circumvent the 10 deposition limit imposed by Rule 30, meaning that all 30(b)(6) depositions cannot count as just one.

To date, Plaintiff has taken 8 depositions, which by our count means Plaintiff has 2 left according to the rule. We have checked availability with our client and we are prepared to produce 30(b)(6) witness(es) on August 9 as described below. However, depending on what you decide, we will not agree to exceed 10 depositions which may prevent you from deposing MetLife and Kathi Benhardt.

First Data's response to the remaining 30(b)(6) topics is as follows:

TOPIC 2 - INFORMATION TECHNOLOGY

(a) The functionality, access, and business purposes of the information technology systems from which First Data cut Plaintiff's access upon Plaintiff's leave in November 2016.

Multiple fact witnesses have testified that access to the Good Application (used for business email) and the VPN (to log in remotely) was turned off for Mr. Barger when he went out on leave. We are prepared to designate that testimony as 30(b)(6) and not count the designation towards the 10 deposition total.

(b) First Data's processes and procedures for posting available employment opportunities at First Data, and removing filled or withdrawn positions, on employment sites (e.g. the Indeed web site referenced in Exhibit K to the Complaint) and employment opportunity postings on social media sites (e.g. the @FirstDataJobs Twitter account referenced in Exhibit K to the Complaint).

We have a witness who can be available on August 9 for this topic. We can use my office for the deposition. How long do you need for questions? If you depose this designee, this will count as 1 deposition.

TOPIC 3 - HUMAN RESOURCES AND EMPLOYEE BENEFITS

(a) The processes that were available to Plaintiff to apply to receive First Data's disability insurance benefits, the process through which Plaintiff did apply to receive First Data's disability insurance benefits, and the terms of the disability insurance policies under which Plaintiff applied for benefits.

We can have a witness available on August 9 to testify as to "[t]he processes that were available to Plaintiff to apply to receive First Data's disability insurance benefits, the process through which Plaintiff did apply to receive First Data's disability insurance benefits."

The specific terms of the disability insurance policies is a more technical question and requires a different witness who unfortunately is not available on August 9. If you cannot obtain this information from the documents or from MetLife during that deposition, we are prepared to produce another witness, but the deposition will need to be in Omaha. Given the connection between the topics in Topic 3(a), these two depositions would only count as 1 (30)(b)(6) deposition.

(b) Terms and conditions of all equity-based compensation plans and agreements relevant to the stock option and restricted stock awards by First Data to Plaintiff.

We can have a witness available early on August 9 to testify for no more than 1 ½ hours as to the equity plans these topics, but it will need to be a telephone or video deposition. Your court reporter should be able to arrange this for you. This deposition would count as 1 deposition. Alternatively, you could serve an interrogatory seeking answers to your questions about the equity plans.

(c) First Data's plans, policies and procedures for the implementation and execution of any "reduction-in-force" (as that term is used in the Answer to the Complaint) during the period between January 2015 and February 2017.

We have already objected to the time frame in Topic 3(c). I also believe that Tony Marino and Dan Charron testified as to these topics with respect to the Top 10% of the top 3000 exercise in January of 2017. We would be prepared to designate their testimony as 30(b)(6) and not count the designation as a separate deposition.

(d) First Data's plans, policies and procedures for the implementation of FMLA, ADA, and other leave programs.

We have a witness available on August 9 to testify as to First Data's FMLA, ADA and other leave programs. Since this is connected to Topic 3(a), the deposition would be included as 1 deposition with Topic 3(a).

TOPIC 4 - CORPORATE GOVERNANCE AND CORPORATE RECORDS

(a) General description of First Data's legal hold process including all details of that policy and specific steps that were taken in this case to implement a legal hold.

We objected to this request when it was initially made. Nonetheless, you questioned all of the Defendants' witnesses who testified that they all received a legal hold from First Data. If you want to have us designate that testimony as 30(b)(6), we can do so and will not count the designation as a separate deposition.

(b) First Data's process and procedures for retaining information created during the planning and implementation of any "reduction-in-force" during the time between January 1, 2015 and February 28, 2017.

We object to the date range of this request but are prepared to produce a witness to testify as to First Data's "process and procedures for retaining" information connected with the 10% of the Top 3000 RIF. That witness is not available on August 9 but if scheduled, this 30(b)(6) deposition would count as 1 deposition. You could always serve and interrogatory requesting that First Data provide you with its process and procedures for information and document retention. That would save you a witness.

After you have considered the above, please let me ASAP know how you want to proceed on August 9 so I can lock in the 30(b)(6) witnesses. Again, we can use my office in mid-town. I look forward to hearing from you.



Gary B. Eidelman
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street
Suite 900 | Baltimore, MD 21202-3133
Tel: 410.332.8975 | Fax: 410.332.8976 | Mobile: 410.303.8832
Gary.Eidelman@saul.com | www.saul.com



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**** Please note that our Firm name and my email address have changed.***